

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Robert Hamilton Austin

Docket No. 5:97-CR-27-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Hamilton Austin, who, upon an earlier plea of guilty to Armed Bank Robbery, Aiding and Abetting, and Use and Carry a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting, in violation of 18 U.S.C. §§ 2113(a) and (d), 2, and 924(c)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 30, 1997, to the custody of the Bureau of Prisons for a term of 144 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall pay restitution in the amount of \$12,741.00 to the State Employees Credit Union Internal Audit Department.

Robert Hamilton Austin was released from custody on June 28, 2007, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 4, 2010, the defendant was arrested and charged with felonious Financial Card Theft and Financial Card Fraud. Mr. Austin reported to the probation officer on August 5, 2010, that he had been arrested for a mistake he made in June 2010. Austin indicated that while at work, he found a wallet that had an ATM card with a PIN. Mr. Austin reported that he went to an ATM and withdrew \$500. Mr. Austin then reported after thinking about his actions for a couple of days, he became remorseful and went to the State Employee's Credit Union and returned the money. A letter was received from the State Employee's Credit Union indicating that Mr. Austin did refund the \$500 and that their loss had been recovered.

The defendant is currently serving a 5-year term of supervised release, which commenced on June 28, 2007. This is Mr. Austin's first violation. Austin understands that he has made a poor choice and has agreed to participate in the Moral Reconation Therapy (MRT) group to help change his thinking and behaviors.

It is recommended that the court add a condition of supervision requesting the defendant participate in a cognitive behavioral program. In light of the circumstances, it is respectfully requested that no additional action beyond the recommended modification of conditions of supervision be taken at this time and that Mr. Austin be continued on supervision. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Robert Hamilton Austin
Docket No. 5:97-CR-27-1BO
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: August 11, 2010

ORDER OF COURT

Considered and ordered this 12 day of August, 2010, and ordered filed and made a part of the records in the above case.

Terence Boyle
Terence W. Boyle
U.S. District Judge